

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

NATIONWIDE AGRIBUSINESS  
INSURANCE COMPANY,

Plaintiff,

v.

JOSE LORENZO RICO LUNA AND  
DOE 1-20,

Defendants.

No. 1:20-cv-01218-DAD-HBK

**DISMISSAL WITH PREJUDICE UNDER  
FED. R. CIV. P. 41(a)(1)**

(Doc. No. 15)

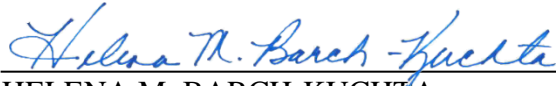
On January 8, 2021, Plaintiff filed a Notice of Voluntary Dismissal under Fed. R. Civ. P. 41(a). (Doc. No. 15). The Notice states the dismissal is with prejudice. (*Id.*). Under Fed. R. Civ. P. 41(a)(1)(A)(i), a plaintiff may dismiss a case without a court order when the notice of dismissal is filed before the opposing party serves either an answer or a motion for summary judgment. The docket reveals Defendants have neither answered nor filed a motion for summary judgment. Based on Plaintiff's Notice this case is dismissed with prejudice. Fed. R. Civ. P. 41(a)(1)(B); see *also Wilson v. City of San Jose*, 111 F.3d 688, 692 (9th Cir. 1997).

**Accordingly:**

This action is dismissed with prejudice under Fed. R. Civ. P. 41(a)(1) and the Clerk of Clerk of Court is directed to close this case.

1  
2 IT IS SO ORDERED.

3  
4 Dated: January 11, 2021

  
HELENA M. BARCH-KUCHTA  
UNITED STATES MAGISTRATE JUDGE